

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILFRED LABOSSIÈRE,

Plaintiff,

v.

DOWNSTATE CORRECTIONAL FACILITY,
JOHN DOE (OFFICER) BLOCK OFFICER OF
BLOCK 3 TO 11 SHIFT ON JULY 13, 2019, *and*
N. BAXTER,

Defendants.

No. 21-CV-10538 (KMK)

ORDER OF SERVICE

KENNETH M. KARAS, United States District Judge:

Plaintiff, who is currently incarcerated in Sing Sing Correctional Facility, brings this pro se action under 42 U.S.C. § 1983, alleging that Defendants violated his rights when he was incarcerated in Downstate Correctional Facility. By order dated February 18, 2022, Chief Judge Swain granted Plaintiff's request to proceed without prepayment of fees, that is, in forma pauperis ("IFP"). (*See* Dkt. No. 9.) The Court directed service on Officer Baxter ("Baxter") on February 24, 2022, (*see* Dkt. No. 11), but the U.S. Marshals Service was unable to serve Baxter because the facility at which Baxter worked, Downstate Correctional Facility, has closed, (*see* Dkt. No. 14). The Court therefore entered a *Valentin* order on June 14, 2022 instructing the Attorney General of the State of New York to provide an address where Baxter may be served. (*See* Dkt. No. 17.) The Attorney General responded with Baxter's current work address on August 10, 2022. (*See* Dkt. No. 18.)

The Court now directs service on Baxter once more. To allow Plaintiff to effect service on Baxter through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for this defendant. The Clerk of Court is further instructed to issue a summons for Baxter and deliver to the U.S.

Marshals Service all the paperwork necessary for the U.S. Marshals Service to effect service upon Baxter.

SO ORDERED.

Dated: August 12, 2022
White Plains, New York

A handwritten signature in black ink, appearing to read 'KMK', with a horizontal line extending from the bottom of the letters.

KENNETH M. KARAS
United States District Judge

DEFENDANT AND SERVICE ADDRESS

Correction Officer Neil Baxter
Shawangunk Correctional Facility
200 Quick Road
P.O. Box 750
Wallkill, New York 12589-0750